

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DANIEL JOHNSON,

Petitioner,

vs.

JUSTIN JONES,

Respondent.

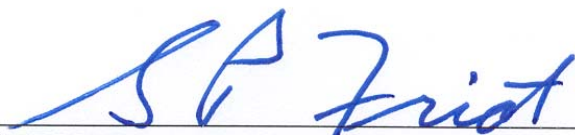
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Case No. CIV-07-1013-F

ORDER

On September 17, 2007, Magistrate Judge Gary M. Purcell entered his Report and Recommendation, recommending that petitioner's motion to proceed *in forma pauperis* be denied, and that the petition for writ of habeas corpus be dismissed unless petitioner pays the full filing fee by October 9, 2007. The Report advised petitioner of his right to object to the Report and Recommendation by October 9, 2007, and of the fact that failure to timely object waives the right to appellate review of both factual and legal issues contained in the report. No objection was filed. However, on October 2, 2007, petitioner paid the \$5.00 filing fee required in this habeas matter. Accordingly, although the Report and Recommendation is **ACCEPTED, ADOPTED**, and **AFFIRMED** in its entirety, the subject matter of that report is moot, and the motion for leave to proceed *in forma pauperis* (doc. no. 2) is **DENIED** on that basis. This matter is **REFERRED** back to Magistrate Judge Gary M. Purcell pursuant to the terms of the original referral.

Dated this 23rd day of October, 2007.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE